IN THE HIGH COURT OF PUNJAB AND HARYRNA AT CHANDIGARH

C.R. No.4641 of 2005
Date of Decision:- 07.09.2006

Chander Shekhar ....Petitioner

through
Mr.G.S.Sandhawalia, Advocate

vs.

Paramvir Kaur and anr. ....Respondents

through
Mr.Vikas Bahl, Advocate.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT

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SURYA KANT, J.

The petitioner filed a civil suit for permanent injunction against the defendant-respondents in respect of the subject property. He also sought ad interim injunction under Order 39 Rules 1 and 2 CPC which was, however, declined by the learned Civil Judge (Jr.Division), Nawanshahr vide order dated 29.8.2002. The petitioner preferred an appeal which was also dismissed by the First Appellate Court vide its order dated 17.8.2005. Aggrieved, he has filed this revision petition.

It may be mentioned here that while declining injunction to the petitioner, the Courts below observed that, prima facie, the father of the petitioner is a tenant in the subject property and, thus, the petitioner has no locus-standi to file the suit.

Aggrieved, the petitioner has filed this revision petition which came up for motion hearing on September 26, 2005, when the following order was passed by this Court:-

"Shri Sandhawalia, on getting instructions

from petitioner Chander Shekhar, who is present in Court, undertakes on behalf of the petitioner that the petitioner shall not claim any independent right than the one claimed by his father and he shall also abide by the final order passed by the competent authority in ejectment proceedings against his father. Shri Sandhawalia is directed to place on record undertaking as stated above within two weeks from today.

Notice of motion for October 25, 2005.

Parties are directed to maintain status quo till further orders."

In compliance to the aforesaid order, the petitioner has given an undertaking dated 4.10.2005 which is taken on record.

As jointly prayed for by learned counsel for the parties and keeping in view the undertaking given by the petitioner, this revision petition is disposed of with a direction that the petitioner shall abide by the undertaking given by him in the form of an affidavit before this Court and in terms whereof as and when the ejectment proceedings are finalized or the present suit is decided on merits, whichever is earlier, he shall abide by the final outcome of those proceedings and if the ejectment order which has already been passed against his father attains finality, he shall hand over vacant and peaceful possession of the premises in dispute to the respondent.

September 07, 2006 **(SURYA KANT)**
poonam **JUDGE**